United Nations S/2002/970

Security Council

Distr.: General
29 August 2002

Original: English

Letter dated 29 August 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 5 August 2002 (S/2002/888).

The Counter-Terrorism Committee has received the attached supplementary report from Bolivia, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I would be grateful if you could arrange for this letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

02-57757 (E) 240902 240902

BEST COPY AVAILABLE

Annex

Letter dated 31 July 2002 from the Permanent Representative of Bolivia to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

[Original: Spanish]

I have the honour to refer to your note dated 15 July 2002 transmitting, on behalf of the Counter-Terrorism Committee, additional comments and questions on the report submitted by the Government of Bolivia pursuant to paragraph 6 of Security Council resolution 1373 (2001), adopted on 28 September 2001.

In response to this request I am transmitting a report supplementing the first report submitted by Bolivia and containing the requested information (see appendix). This Permanent Mission is prepared to hold informal consultations or meetings with the expert members of the Committee in order to clarify some terms in the said document for the purposes of its translation into English.

I take this opportunity to express my sincere appreciation for the efforts of the Counter-Terrorism Committee and to reaffirm my country's willingness to continue the dialogue commenced with the Committee.

(*Signed*) Javier **Murillo de la Rocha**
Ambassador
Permanent Representative

Appendix

Report supplementing the first report submitted by the Government of Bolivia to the Security Council Committee established pursuant to resolution 1373 (2001), adopted on 28 September 2001

- **Subparagraph 1 (a)**

- **Please outline any legislative provisions and procedures that exist for monitoring suspicious financial transactions, apart from what is mentioned in the report. Are there any legal reporting obligations for financial institutions and other intermediaries (such as lawyers, notaries), that contribute to the prevention of economic and financial operations with terrorist or other criminal aims? What penalties apply to non-compliance with the legal obligations?**

The Bolivian Criminal Code, Chapter III, which deals with the "Penal and administrative regime on the legitimizing of illicit profits", states in its article 185 ter (Administrative regime on the legitimizing of illicit profits) as follows:

> "A Financial Intelligence Unit (FIU) shall be established which shall form part of the basic structure of the Office of the Banks and Financial Entities Examiner. The executive authority shall issue a supreme decree setting out its structure and functions, providing for the creation of decentralized units within the financial regulation system, and establishing its procedure, the method of transmittal and the content of declarations to be sent to it, the system of administrative infractions, and procedures for the imposition of administrative penalties.
>
> Financial entities and their directors, administrative managers or officials committing a breach of the obligations set out in the regulatory decree shall be liable to the imposition of the administrative penalties established in the legal norms which govern the financial system. The directors, administrative managers or officials responsible for reporting possible cases of legitimizing of illicit profits to the FIU shall be immune from administrative, civil and criminal liability, provided that the report complies with the rules set out in the regulatory decree.
>
> The supreme executive authority of the FIU shall hold a hearing to determine administrative liability and the Examiner shall implement the resulting penalties, subject to the legal regime established. In the determination of the appropriate penalty, the seriousness of the breach and the degree of participation and culpability of the parties liable shall be taken into account. In such cases, the regime of challenges and appeals of its decisions shall conform to legal provisions.
>
> Financial entities and their bodies may not invoke bank secrecy when FIU agents request information needed for the proper discharge of their duties. Information obtained by the FIU may be used only for the purpose of investigating the legitimizing of illicit profits."

- **Subparagraph 1 (b)**

- **Please explain how Bolivia intends to meet the requirements of this subparagraph, given that the funds used to carry out terrorist acts may not necessarily derive from crimes.**

The FIU conducts analysis and investigation of suspicious transactions reported by the financial system in order to determine their origin and relationship to the legitimizing of illicit profits derived from trafficking in controlled substances, crimes committed by civil servants in the exercise of their functions, or crimes committed by **criminal organizations**.

Chapter III of the Bolivian Criminal Code, which deals with "Crimes against public tranquillity", defines the crime of terrorism in its article 133, stating that "anyone who participates in, acts in the service of or collaborates with an armed organization existing for the purpose of committing [the said] crimes ... shall be punished by 15 to 20 years imprisonment, without prejudice to the penalty to be imposed should such crimes be committed".

- **Subparagraph 1 (c)**

- **What legal provisions and procedures exist for freezing of funds and other economic resources if the funds are used for carrying out terrorist acts, regardless of the source of the funds?**

- **Please explain whether it is possible, on the request of another country, to freeze funds and other economic resources held in Bolivian financial institutions by persons or entities not resident in Bolivia that provide support to terrorism outside Bolivia.**

Under Act No. 1488 of 13 April 1993 (Banks and Financial Entities) and Act No. 2297 of 20 December 2001 (Strengthening the System of Financial Intermediaries), the Office of the Banks and Financial Entities Examiner has a legal obligation to direct the financial system (banking and non-banking) to freeze funds and other economic resources held in Bolivian institutions, provided that a court order has been issued.

Article 19 of Supreme Decree 24771 of 31 July 1997, which establishes the Regulations of the FIU, states in its paragraph (7), referring to the functions of the Director of the FIU, that the said authority can block a transaction for 48 hours if it is determined to be a "suspicious transaction". This article is consistent with article 39 of the same decree, which is cited in the first report.

Bolivian authorities can take action on a request to freeze accounts of foreign institutions or individuals not residing in Bolivia if such a request is made in a letter rogatory or commission rogatory, by a competent authority, through the conclusion of an international treaty or by invoking judicial cooperation and reciprocity.

- **Subparagraph 1 (d)**

- **Is there any intention to change Bolivian legislation in order to meet the requirements of this subparagraph?**

- **What laws and practical controls and surveillance measures exist to ensure that funds and other economic resources collected for religious,**

charitable or cultural purposes are not diverted for other purposes, particularly for financing terrorism?

- **Is there any law regulating alternative money transfer agencies?**

Yes. The ratification by Bolivia in November and December 2001 of 10 international treaties on combating terrorism, and the signing of the Inter-American Convention against Terrorism within the framework of the XXXIII Regular Session of the Organization of American States (OAS) General Assembly, held in Barbados from 2 to 4 June 2002, constitute specific examples of the Bolivian Government's political will to combat terrorism in all its forms and manifestations and its decision to expand and harmonize its domestic legislation in accordance with the commitments made.

The FIU has regulated the functioning of the financial system through directives and guidelines which require that sector to report transactions identified as suspicious, pursuant to preventive measures concerning the legitimizing of illicit profits.

In accordance with Ministerial Decision No. 143/91 and the Framework Agreement on Basic Coöperation signed between the Government of Bolivia and the respective non-governmental organization, the destination of the funds is monitored by requiring an annual report, which is transmitted both to the Single National Register of Non-Governmental Organizations and to the Ministry of Finance.

Religious, charitable or cultural associations must also submit a complete annual report of activities, including a financial summary, in accordance with Supreme Decision 219172 (Regulation of Worship) of 21 July 2000.

It should be noted that Act No. 843 on tax reform, amended by Supreme Decree 24602 of 6 May 1997, grants tax exemptions to non-profit associations upon application to the National Tax Service by the entity concerned, which must submit an annual financial statement.

Non-profit associations include the following: foundations and religious, charitable, benevolent, social welfare, educational, cultural, scientific, artistic and literary, sports, political, professional or trade-union associations (provided that their statute expressly states this as their purpose).

The National Tax Service is empowered to hold any hearings which it may consider appropriate.

The annual financial statement of non-profit associations must be transmitted to the National Tax Service in accordance with the provisions of Supreme Decision 219172 of 21 July 2000.

With regard to alternative money transfer agencies, the international standards and recommendations to counter the use of such enterprises for money laundering purposes are contained in point 4 of the annex to recommendation 9 of the 40 recommendations of the Financial Action Task Force (FATF).

Since enterprises which offer fast correspondence, remittance and money transfer services could be used for the purpose of legitimizing illicit profits, the FIU prepared a study, the findings of which were embodied in a recommendation to the Office of the Banks and Financial Entities Examiner so that the aforesaid enterprises may be regulated and audited, or penalized, where appropriate.

- **Subparagraph 2 (a)**

- **Please explain whether any specific provisions apply to recruitment to terrorist groups operating inside or outside Bolivia.**

Not applicable.

- **Please provide a progress report and an outline of the draft legislation on weapons, munitions, explosives and dual-use chemical agents. Does that draft include provisions on the acquisition and possession of weapons within Bolivia or does another law deal with that?**

The Draft Act on Arms is under consideration by the Defence Committee of the National Congress. A summary of the draft is attached to this report.

- **Subparagraph 2 (b)**

- **Please provide information on the mechanism for inter-agency coordination between the authorities responsible for narcotics control, financial tracking and security, and with particular regard to the border controls preventing the movement of terrorists.**

The national intelligence community has thus far held four periodic meetings. Special meetings are convened at the request of any security agency which is a member of the intelligence community. At the meetings, current issues are discussed, taking into account political, economic, psychosocial and military factors. Recommendations are drawn up on the basis of the conclusions reached and advice is provided to the Chief Command.

The Second Department of the Chief Command of the Armed Forces is a member of the South American Congress on Military Strategic Intelligence. Since 1998, five annual congresses on military strategic intelligence have been held in Bogotá, Colombia; Montevideo, Uruguay; Viña del Mar, Chile; Córdoba, Argentina; and Santa Cruz, Bolivia, respectively. The fifth congress dealt exclusively with the topic "Effects and consequences of international terrorism in the regional and national setting".

Cooperation, consisting of exchanges of information and intelligence, is the principal aim of these congresses, taking into account the role of the armed forces in carrying out activities to combat threats and risks posed to States in the region.

Bolivia does not have a permanent counter-terrorist intelligence mechanism.

On 28 June 2002, an inter-agency cooperation agreement was signed by the Office of the Attorney-General of the Nation, the National Police, the Special Anti-Narcotics Force and the FIU, aimed at, inter alia, coordinating the processing of information on suspicious financial transactions for legitimizing illicit profits, as defined in the Criminal Code, and providing support and mutual assistance in the preparation of training programmes on intelligence and financial investigation.

The agreement provides that all information shared between the parties shall be strictly confidential, barring a substantiated court order issued by a competent authority within the framework of a formal proceeding.

- **Subparagraph 2 (d)**

- **Does Bolivia intend to introduce or amend legislation in order to meet the requirements of this subparagraph?**

We consider that the general principle laid down in article 1 of the Bolivian Criminal Code (National Territory) is applicable; it states: "This Code shall apply to:

1. Crimes committed in Bolivian territory or in localities under its jurisdiction;
2. Crimes committed abroad which have produced or were intended to produce results in Bolivian territory or in localities under its jurisdiction;
3. Crimes committed abroad by a Bolivian, provided that he or she is in the national territory and has not been punished in the locality where the crime was committed;
4. Crimes committed abroad against State security, public confidence and the national economy. This provision extends to aliens if they have been extradited or are found in Bolivian territory;
5. Crimes committed on board Bolivian vessels, aircraft or other means of transportation in a foreign country, if they have not been prosecuted in that country;
6. Crimes committed abroad by Bolivian civil servants in the performance of their duties;
7. Crimes that Bolivia is required by treaty or convention to punish, even if they were not committed in its territory."

In the case of a crime committed by a person habitually resident in Bolivia, the aforesaid article does not apply; he or she must be tried in the locality where the crime was committed.

- **Subparagraph 2 (e)**

- **What is the competence of the courts of Bolivia to deal with criminal acts of each of the following kinds:**
  - **an act committed outside Bolivia by a person who is a citizen of, or habitually resident in, Bolivia (whether that person is currently present in Bolivia or not);**
  - **an act committed outside Bolivia by a foreign national who is currently in Bolivia?**
- **Does Bolivia intend to introduce any amendments to its current legislation in order to establish terrorist acts as serious criminal offences and to ensure that the punishment imposed reflects the seriousness of such terrorist acts?**

With regard to the first part of the question, kindly refer to subparagraph 2 (d).

The Republic of Bolivia will, consistent with its foreign policy in the fight against terrorism, fulfil the commitments made under the international treaties to

which it is a party by harmonizing and incorporating into its domestic legislation, in a second phase, the new provisions contained in the anti-terrorism treaties.

- **Subparagraph 2 (f)**
- **Please outline the relevant provisions of current national legislation, referred to in the report in reply to this subparagraph.**
- **What is the legal time frame within which a request for judicial assistance in criminal investigations or proceedings relating to the financing of or other support for terrorist acts must be met and how long, on average, does it actually take in practice to implement such a request in Bolivia?**

Title VI (International judicial and administrative cooperation), Chapter I (General provisions on cooperation) of the new Code of Criminal Procedure provides as follows:

"**Article 138 (Cooperation).** The greatest possible assistance shall be afforded in response to requests from foreign authorities, provided that such requests are effected in accordance with the provisions of the Political Constitution, international treaties in force and the provisions of the present Code.

Requests for cooperation shall be submitted to the Ministry of Foreign Affairs and Worship, which shall bring them to the attention of the competent authority.

Article 139 (Requirements). Requests for assistance shall comprise:

(1) The identity of the requesting authority;

(2) The purpose of the request and a brief description of the assistance requested;

(3) A description of the act under investigation, its legal definition and the official text of the relevant law;

(4) An indication of the time required for compliance; and

(5) Any other information necessary for appropriate compliance with the request. The request and the documents submitted shall be translated into Spanish.

The judge may request additional information.

Article 140 (Refusal or suspension of assistance). Assistance shall be refused if:

(1) The request infringes the rights and guarantees provided for in the political Constitution, international agreements in force, this Code and Bolivian legislation in force.

(2) The request relates to acts which are the subject of investigation or prosecution in Bolivia, or final sentence has been pronounced upon the person concerned for the offence in relation to which cooperation is requested.

A judge may suspend cooperation if its immediate implementation would adversely affect an investigation or a trial under way in Bolivia. Reasons shall be given for the denial or suspension of cooperation.

Article 141 (Return of documents). The requested authority shall, upon handing over the original documentation and items requested, ask the requesting authority to return them as soon as possible, unless the lending authority waives its right to their return.

Article 142 (Attendance by the parties). Any person involved in proceedings relating to the request may participate in them in accordance with the provisions of this Code.

Article 143 (Expenses). Should the actions requested involve extraordinary expenses, the requested authority shall ask the requesting authority, before responding to the notification, to deposit funds necessary to cover such expenses.

Article 144 (Attendance by the requesting authority). If the nature and characteristics of the cooperation sought require the presence of foreign officials, the judge may authorize their participation in the requested actions.

Article 145 (Letters rogatory). Requests relating to compliance with a procedural action or notification shall be addressed to foreign judges or authorities by means of letters rogatory, which shall be transmitted in accordance with international agreements, international practice and this Code.

Judges shall convey communications through the Ministry of Foreign Affairs and Worship for transmittal through the diplomatic channel.

Urgent communications may be conveyed directly to any foreign judicial or administrative authority, in anticipation of requests or replies to requests, with notice given to the Ministry of Foreign Affairs and Worship.

Article 146 (Foreign residents). If a witness is in a foreign country, the judicial authority shall request authorization from the respective State for the witness to be interviewed by a consular representative, the public prosecutor or the judge himself, sitting in the country of residence.

The rules relating to depositions shall apply mutatis mutandis.

Article 147 (Expert opinions). The judicial authority may request the opinion of foreign experts in Bolivia or abroad, along with judicial cooperation in supervising the technical operations to be carried out in foreign countries.

The rules governing expert opinions and depositions shall apply as appropriate.

Article 148 (International investigations). If a criminal organization operating in Bolivia has international linkages, the Office of the Public Prosecutor may coordinate its investigation with other countries or international organizations. To that end, joint investigation teams may be set up.

Any investigation carried out in Bolivia shall be under the control of a Bolivian prosecutor and subject to review by Bolivian judges.

Joint investigations shall be approved by the Attorney-General of the Republic."

Chapter II (Extradition) provides as follows:

"**Article 149 (Extradition).** Extradition shall be governed by the international agreements in force and subsidiarily by the rules of the present Code or by the rules of reciprocity in the absence of other applicable provisions.

Article 150 (Validity). Extradition shall be valid for offences that under the legislation of both States carry a legal minimum sentence of two or more years and, in the case of Bolivian nationals, more than two years.

The extradition of a person to serve a sentence in the requesting State shall be valid if at least one year of the sentence remains to be served.

Article 151 (Invalidity). Extradition shall be invalid if:

(1) There is good reason to believe that extradition is being requested in order to prosecute or punish a person on grounds of his political opinions, race, sex, religion, nationality or ethnic origin, or that the person will be subjected to cruel, inhuman or degrading treatment or punishment;

(2) Final sentence has been pronounced in Bolivia for the offence giving rise to the request of extradition;

(3) Under the laws of the requested or requesting State, the offence giving rise to the extradition request is time-barred or the person sought has been amnestied or pardoned.

Article 152 (Commutation of sentence). If the offence giving rise to the extradition request carries a sentence of death or life imprisonment in the requesting State, the request may be granted only if that State undertakes to commute the sentence to a maximum of 30 years imprisonment.

Article 153 (Deferred implementation). The implementation of an extradition request shall be deferred if:

(1) The person sought is subject to Bolivian criminal jurisdiction for an offence other than that for which extradition has been requested, until the proceedings have concluded or the sentence has been carried out, except in the case provided for under article 21 (5) of this Code;

(2) The person sought is a pregnant woman or is the mother of a child under one year of age when the decision on extradition is to be implemented;

(3) The person subject to extradition is seriously ill and, in the opinion of a forensics physician, the immediate implementation of the extradition request would endanger his or her life.

When such circumstances cease to exist, extradition shall be effected immediately.

Article 154 (Powers of the competent court). In making decisions on extradition requests, the Supreme Court of Justice shall have the power to:

(1) Order the preventive detention of the person subject to extradition for a maximum of six months, provided that the existence of a conviction or judicial detention order is established;

(2) Order the provisional arrest of the person subject to extradition for a maximum of 90 days if all the documents required for the extradition request to be valid have not been submitted;

(3) Order the delivery to the requesting State of all or part of the property seized or impounded from the person subject to extradition that was used in the commission of the offence.

Article 155 (Simultaneous requests). If two or more States request the extradition of the same person, preference shall be given to the request from the State where the more serious offence was committed and, if the offences are equally serious, to the State which first requested it.

Article 156 (Extradition requests by Bolivia). Extradition requests shall be made by the trial judge or court, at the request of the prosecutor or plaintiff where a person has been formally charged with a crime, and automatically, where a person has been convicted.

Article 157 (Extradition requests by other States). Any extradition request shall be submitted to the Ministry of Foreign Affairs and Worship, together with a more precise description of the person subject to extradition, information that may help to determine his or her whereabouts and a certified copy of the legal provision defining the offence. All the required documentation shall be accompanied by an official translation into Spanish.

If the person is being held for trial, the documentation shall also be accompanied by the original or a certified copy of the judicial indictment containing the definition of the offence, and including a reference to the time and place of its commission and of the arrest warrant issued by a competent judicial authority.

If the person has been tried and convicted, the documentation shall also be accompanied by the original or a certified copy of the conviction and the certification of its enforcement, indicating, where appropriate, the sentence remaining to be served.

Article 158 (Procedure). If the extradition request is filed with the Supreme Court of Justice, the background information shall be transmitted to the Office of the Attorney-General of the Republic for review, so that it may rule on the validity or invalidity of the request within 10 days. The Supreme Court of Justice shall, within 20 days following receipt of that ruling, decide to grant or deny the extradition request.

Article 159 (Precedence). Should there be a conflict between the provisions of this Code and those contained in an extradition treaty, the latter shall take precedence."

- **Subparagraph 3 (c)**

- **Please provide a list of countries with which Bolivia has concluded bilateral treaties on cooperation in administrative and judicial matters relating to terrorism.**

Bolivia has concluded no bilateral treaties on cooperation in administrative and judicial matters relating to terrorism.

- **Subparagraph 3 (e)**

- **Please describe what measures have been taken, or are proposed to be taken, in regard to incorporating and harmonizing current legislation with the Acts which have been promulgated to give effect to the international conventions and protocols relating to terrorism.**

- **Have all the offences set forth in the international conventions and protocols relating to terrorism been included as extraditable offences in bilateral treaties to which Bolivia is a party?**

Pursuant to article 10 (e) and (f) of the Rules Supplementing Supreme Decree 24855 of 22 September 1997, the Ministry of Justice and Human Rights is responsible for promoting the systematization and updating of the national legal system in the areas of public and private law. It is also responsible for monitoring issues, progress and legal developments on the international scene so that they can be analysed, disseminated and incorporated in Bolivia.

The High-Level Working Group referred to in the first report has proposed the establishment of a committee for the implementation of treaties concerning terrorism. A recommendation to that end has been submitted to the new Government which will take office on 6 August 2002.

Bolivia has concluded no bilateral extradition treaties since 11 September 2001; however, the draft extradition treaty currently being negotiated with the Republic of Peru includes the offence of terrorism as a ground for extradition.

- **Subparagraph 3 (g)**

- **Has Bolivia concluded any bilateral or multilateral treaties on extradition?**

- **Please explain whether political motivation is recognized as a ground for refusing extradition of alleged terrorists.**

Bolivia has concluded extradition treaties with the following States: Belgium, Brazil, Chile, Ecuador, Italy, Paraguay, Spain, United Kingdom, United States of America and Venezuela; it has also concluded a treaty with MERCOSUR (the Southern Common Market).

The Montevideo Treaty (1984), the Bustamante Code (1928) and the Caracas Extradition Agreement (1911) are also in force at the multilateral level.

Bolivia has also entered into agreements with Italy and Spain relating to mutual judicial cooperation in criminal matters.

Treaties relating to the execution of criminal sentences are also in force between Bolivia and Argentina, Canada, Chile, Italy, Mexico, Paraguay, Spain and the United States of America.

- **Paragraph 4**
- **Has Bolivia addressed any of the concerns expressed in paragraph 4 of the Resolution?**
- **Please provide an organizational chart of the country's administrative machinery, such as police, immigration control, customs, taxation and financial supervision authorities, established to give practical effect to the laws, regulations and other documents that are seen as contributing to compliance with the Resolution.**

Yes. At the multilateral level, Bolivia's opposition to all forms and manifestations of terrorism has been reaffirmed at various summits of Heads of State and Government, and at political consultation meetings within regional and subregional groups such as the Rio Group, the Andean Community and MERCOSUR; it has also been reaffirmed at the bilateral level by presidential and ministerial joint declarations.

Through such presidential and ministerial communiqués, the Government of Bolivia has, together with its counterparts in Argentina, Ecuador, Paraguay and Peru, expressed its firm condemnation of terrorism in its multiple forms and has undertaken to strengthen bilateral counter-terrorism mechanisms.

Cooperation

The CTC has noted that Bolivia will provide the CTC with a subsequent report on the assistance it required by Bolivia.

1. Initially, the Intelligence Directorate of the National Police and the Bolivian armed forces need training courses and specialized instruction for the members of the elite units responsible for combating terrorism in all its forms and manifestations.

2. The Ministry of Government, as the agency responsible for, inter alia, proposing policies and coordinating actions to protect the internal security of the State and for coordinating crime prevention activities, requires technical support in searching for and detecting explosives, along with appropriate equipment enabling it to carry out its tasks effectively in the prevention and suppression of terrorism in all its forms and manifestations.

3. The FIU requires technical assistance in relation to the provision of computer equipment and human resources training in money-laundering associated with terrorist activities and related financial offences.

4. For the incorporation into Bolivian legislation of the new international rules, the assistance of terrorism experts will be required.

La Paz, 24 July 2002

Draft Act on Arms, Ammunition, Explosives and Dual-Use Chemical Agents

Summary

1. Objective

The objective of the Act on Arms, Ammunition, Explosives and Dual-Use Chemical Agents is to: regulate the manufacture, import, export, sale, transport and use of arms, ammunition, explosives and dual-use chemical agents at the national level; set safety standards for handling them; define the requirements and procedures for acquiring or possessing them; and establish the jurisdictional scope of the Act.

2. Scope of application

The Act will apply to all legal and natural persons having a connection with the manufacture, sale, circulation, possession, bearing, transfer and use of arms, ammunition, explosives and dual-use chemical agents.

3. Regulatory agencies

With regard to monitoring the manufacture, sale and use of arms, ammunition, explosives and dual-use chemical agents, the regulatory agencies are:

(a) Ministry of Defence:

- Manufacture;
- Domestic sales;
- Foreign sales;
- Possession, bearing and use of military weapons;

(b) Ministry of Government:

- Registration and monitoring of arms and ammunition for civilian use;
- Domestic sales;
- Possession, bearing and use of National Police weapons.

4. Manufacture

Any natural or legal person engaged in the production of arms, ammunition, explosives and dual-use chemical agents will be required to submit a request to the Ministry of Defence in order to obtain an operating licence, following an assessment conducted in the light of national security and industrial needs. This also applies to any natural or legal person engaged in the non-industrial manufacture and repair of weapons.

Any person manufacturing arms or ammunition is required to mark his product, pursuant to the regulatory provisions established by this Act.

The Ministry of Defence will maintain an up-to-date national register of industrial manufacturers of arms, ammunition, explosives and dual-use chemical agents.

5. Trade

Any export or import of firearms, ammunition, explosives and dual-use chemical agents must, for reasons of security and national defence, be authorized by the Ministry of Defence on the basis of a specific ministerial decision.

The Ministry of Defence will keep a national register of imports and exports and of enterprises trading in arms, ammunition, explosives and dual-use chemical agents.

6. Arms and ammunition for military use

The armed forces will acquire arms and ammunition in accordance with their needs, following authorization by the executive authority and approval by the National Congress in accordance with the Finance Act.

The Ministry of Defence and the Armed Forces Command will keep up-to-date registers of all their stocks of arms and ammunition; this information will be available to the legal monitoring bodies.

7. Arms and ammunition for police use

The National Police will acquire arms and ammunition in accordance with its needs, following authorization by the executive authority and approval by the National Congress in accordance with the Finance Act.

The National Police General Command will be responsible for the registration and use of arms in its possession and for the stocks of ammunition for such arms. This information will be available to the legal monitoring bodies.

8. Arms and ammunition for civilian use

(a) Trade

The direct importing of arms and ammunition by natural persons is prohibited; importing must be conducted through legally constituted enterprises registered with the Ministry of Defence.

The Ministry of Government will be responsible for monitoring the inventories and stocks of authorized commercial enterprises.

(b) National Arms Register

A National Arms Register will be established within the Ministry of Government with a view to listing all arms in civilian use within the national territory, thus authorizing their acquisition, possession, bearing, use, circulation and transfer and domestic sale.

9. Explosives and dual-use chemical agents

The Ministry of Defence will, before authorizing the manufacture of explosives and accessories, conduct an assessment of the project in the light of economic considerations and industrial and national security needs, in cooperation with the Supreme Council on National Defence.

The Ministry of Defence will keep a constant check on the activities and the stocks of enterprises producing explosives and accessories in the national territory; it will keep a register of manufacturers of explosives and accessories, with details regarding production, movement, sales and stocks.

10. Special security agencies

Any legally constituted enterprise which wishes to offer private security services must obtain a specific ministerial decision approving their operations from the Ministry of Government. Security firms will also be authorized to use arms under the category of police use and must be listed in the National Arms Register.

11. Competent jurisdictional bodies

Jurisdiction and competence will be exercised by:

(a) Military courts in cases relating to the military use of arms, ammunition explosives and chemical agents;

(b) Ordinary courts in cases relating to police and civilian use of arms, ammunition, explosives and chemical agents.

12. Status of the draft Act on Arms, Ammunition, Explosives and Dual-Use Chemical Agents

The draft Act on Arms, Ammunition, Explosives and Dual-Use Chemical Agents is currently under consideration by the Defence Committee of the National Congress.